

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: People of MI Randall Edward Valkoun

Docket No. 290072

L.C. No. 90-043560 FC

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because the defendant cannot appeal the return of a successive motion for relief from judgment. See MCR 6.502(G)(1). The Court notes that *People v Uphaus*, 275 Mich App 158 (2007), which was cited by defendant, was reversed by the Michigan Supreme Court in *People v Uphaus*, 480 Mich 939 (2007).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR - 5 2009

Date

Sandra Schultz Mengel
Chief Clerk